#### THE BOSTONS AGAIN BEATEN

Pitcher Sowders's Good Luck Against the Indianapolis Team Broken.

A Dispute Disturbs the Game at Chicago and the New York Players Leave the Grounds at the End of the Fifth Inning.

The Lea	gue Reco	rđ.	
New York	Won. 69	Lost.	Per Cent.
Chicago	64	39	.576
Boston	58 57	51	.532
Philadelphia	54	53	.504
Pittsburg. Indianapolis	53	56 70	.381
Washington	39	70	.358

Indianapalis Again Defeats Boston. The Indianapolis club continues to play well, and is fast getting away from the tail-end position. If it was near any other club it might be expected to make a good fight for a position even better than seventh, but that is hardly possible. Yesterday's game was somewhat dragging. The home team had the lead almost all the way through, and won without a great deal of difficulty. It was the first game it has won this year off Sowders. Boyle pitched very effectively in the opening part of the game, but toward the last was batted bard. The change seemed to be due to the fact that he did not retain a good control over the ball. The hits of his opponents were, however, kept well scattered, as they had no less than eight men left on bases. The home team, on the other hand, was fortunate in making hits at opportune times. The Bostons did some bad fielding, Tate being off in his throwing, and Ray and Nash making errors which proved expensive. Kelly started out to catch, but one of Sowders's vicious down-shoots in the very first inning persuaded him to retire. There was an improvement in the attendance, about 1,500 people witnessing the game.
The visitors had a promising chance for runs in the first inning. Kelly, after one out, made a base hit, and Nach lifted a high fly to Mc-Geachy, who dropped it. Quinn, however, gave Boyle a fly and Brown forced Nash at second. Hines started off with a base on balls and resched third on Denny's hit between short and had fouled out Bassett made a sacrifice, which permitted Hines to score. Glasscock was thrown out by Sowders. Nash's home run in the third tied the score. It was made after two outs, and was a slashing drive over the left fence. The home team pulled ahead, however, in the fourth when Seery, who was the first batter, was given a life by Ray's fumble. He stole second and scored on Bassett's fine two-base drive to the right-field fence far down in center. Glasscock got a base on balls; McGeachy endeavored to make a sacrifice, but forced Glasscock out at second, although he reached first and Bassett got to third. McGeachy stole second, and then Schoeneck made a fine sacrifice, on which Bassett scored. The play was liberally rewarded. Myers was thrown out by Quinn, but the home team had obtained two rugs, which the visitors could not effect. The latter had a man on second, in the fourth inning, with one out, Hornung having made a single and a steal, but Ray foul tipped and Morrill flew out to Schoeneck. In the fifth the home team did some pretty fielding. Sowders sent a slow liner toward right which Bassett jumped for and caught with one hand. Johnston and Tate made hard drives to Glasscock and Boyle, which were handled in such fine style as to win warm applause. In the last half of this inning the local men increased their lead by two runs. Boyle began with an easy bit over first, and Hines made a single to center. Denny got in a sacrifice, but Boyle was thrown out at the plate trying to come in on a short passed ball. Seery, however, made a nice ring-ing hit to right center, and Hines scored? The left fielder stole second, and Tate threw so badly that the ball got past both Quinn and

Bassett has been seen to make this year. Brown stole second, went to third on Hornung's sacrifice, and came in on Ray's safe one to left. Morrill got in a scratch in-field hit, and Boyle put the runners on second and third by means of a wild pitch, but Sowders flew out to Denny. Seery scored for the home team in the last half of the inning. He popped up a high fly which Nash came in front of the pitcher's box to catch, but dropped; Sowders then threw wild to first to catch him napping, and he reached second. He should have scored on Bassett's nice hit to center, but stopped at third. When Glasscock stole second and Tate threw to put him out, Seery ran home. The visitors did not reach first in the last inning. Score: INDIANAPOLIS. Hines, m... 2 1 5 1 0 J'hnst'n, m 0 1 1 0 Kelly, c... 0 1 1 0

Johnston, Seery scoring. In the sixth inning the

visitors got the bases full, but could not score a

run. Nash, of whom Boyle was slightly appre-

hensive, got a base on balls, being the first bat-

ter. Tate went out, but Brown followed with a

clean hit to right, and Hornung's out at first put

the runners on second and third. Ray's base on

balls filled the bases, but Morrill, who seems to

have lost his old-time skill with the bat, left

them all by a fly to Glasscock. Tate made a

hard drive to right center in the next inning.

after two men were out, but was easily thrown

out by Hines to Glasscock to Denny. Tate was

reprimanded sharply by Morrill for trying to

make three bases on the hit. In the eighth inp-

ing the Bostons awakened interest by

making a couple of runs. Nash, who, like Johnson on the previous day, was

hitting everything within reach, made a two-

baser to center, went to third on Quinn's out at

first, and scored on Bassett's low throw to the

plate after the latter had stopped Brown's

grounder. It was about the only bad throw

0 Tate, c.... 0 1 1 Nash, 3.... 2 2 Glasse'k, s. 0 1 1 5 0 Quinn, 2.. 0 M'G'chy, r. 0 0 2 0 1 Brown, r.. 1 Schnk, 1. 0 0 8 0 0 Hornung, 10 1 Myers, c.. 0 1 4 0 0 Ray, s..... 0 2 1 5 1 Boyle, p.. 0 1 1 4 0 Morrill, 1.0 114 0 1 Sowders, p 0 0 0 5 1 Totals., 6 8 27 13 2 Totals .- . 3 10 24 18 7

Two-base Hits-Bassett, Tate, Nash. Home Run-Nash. Stolen Bases-Denny, Seery, Glasscock, McGeachy, Myers, Brown, Hornung. First Base on Balls-Hines, Glasscock, Nash, Ray. First Base on Errors-Indianapolis, 2; Boston, 1. Struck Out-Hines, Boyle, Hornung, Sowders. Passed Ball-Tate, 1. Wild Pitch-Boyle, 1. Time-1:55.

Umpire-Valentine. Other League Games.

REFUSED TO PLAY. CHICAGO, Sept. 12 -At the end of the fifth inning, to-day, Ewing refused to continue to play, and the game was given to Chicago 9 to 0. The New York captain claimed that he had been hurt by a wild pitch and could not finish the game. Anson protested that Ewing was not badly hurt, and that he was trying to save himself for to-morrow. Both umpires, Daniels and Powers, agreed with him, and after giving Ewing the time limit, deeided the game in favor of Chicago. The New Yorks were hissed when they left the grounds. Under the rules they must pay a fine of \$500. The score stood 9 to 2 in favor of Chicago, the home team starting to bat Keefs very hard, while the New Yorks had only two hits off Krock. Eight thousand was the attendance. The New Yorks intended to play a postponed game here Friday, but it is now probable that they will refuse to do so.

PITTSBURG, 2; WASHINGTON, 0. PITTSBURG, Sept. 12.—The home club won again to-day. The visitors succeeded in getting a man as far as third in the first inning. but that was all. Hoy played a fine game. The home club played the finest exhibition of sacrifice bitting yet seen on these grounds. Sunday had started the eighth inning with a safe bit, when game was called on account of rain. At-

tendance, 90	0.	Se	ore					174	
PITTSBURG.					WASHINGTON.				
R	B	PO		E		B	PO	A	B
Sunday, m 0	0	1		0	Hoy, m 0	1	4	1	0
Miller, 1 0	1	3	0	0	Myers, 2 0	0	0	0	0
Coleman, r O			0	0	Daily, r 0	2	2	1	0
Beckley, 1 1	2	6	0	0	O'Brien, 1. 0	1	8	0	0
Smith, 2 0	0	4	2	1	Schoch, 1 0	0	1	0	1
Carroll, c 1	1	4	2	0	Don'elly, 30	0	1	0	0
Kushne, s. 0	0	0	2	0	Fuller, s 0	0	0	4	0
Cl'yTnd, 30		2	0	0	Deasly, c 0	0	5	ō	0
Morris, p. 0	1	0	1	0	Whitn'y, p 0	1	0	3	0
	-	-	-	_		_	_	_	_
	- 400	Acres .	100	-	The second secon	-	Marine .		

Totals ... 2 6 21 7 1 Totals ... 0 5 21 9 1 Pittsburg...... 1 0 0 0 0 0 1-2 Washington..... 0 0 0 0 0 0 0-0

Earned run-Pittsburg, 1. Three-base hits-Miller.

Carroll. Stolen bases—Beckley, Hoy. Double plays
—Smith and Beckley; Daily and O'Brien. First base
on balls—Coleman. Whitney. First base on errors
—Pittsburg. 1. Passed ball—Deasly, 1. Time—1:20.
Umpire—Kelly. DETROIT, 3; PHILADELPHIA, 5. DETROIT, Sept 12 -The home team fielded DETROIT. Sept 12.—The home team fielded of the season in this city this afternoon. Clark-lessely to-day, and could do nothing with Buf- son will doubtless pitch again for them, although

finton's curves. The features of the game were two fine catches by Brouthers and Fogarty. Score PHILADELPHIA. DETROIT. 1 Wood, L... 0 0 4 0

0 Andr'ws m 1 3 0 0 2 Farrar, 1.. 0 1 11 0 2 Fogarty, r. 0 0 Mulvey, 3. 0 Twitch'll, 10 2 O Clements, c 1 Bennett, c. 0 0 Campau, r. 0 1 1 0 0 Irwin, s... 2 Sheffler, m 1 1 1 0 1 Bastian, 2 1 1 0 6 0 Buff't'n p.. 0 2 0 4 0 Totals.. 3 5 24 14 6 Totals... 5 13 27 20 3 Score by innings:

Earned runs—Detroit, 1; Philadelphia, 3; Two-base hits—Irwin. Three-base bit—Andrews. Stolen bases —Brouthers, Twitchell, Sheffler. Double play—White, Rowe and Brouthers. First base on balls—Brouthers, 2. Campau. First base on errors—Detroit, 2; Philadelphia, 6. Struck out—Sheffler, Benton 2), Sutcliff, Wood, Mulvey, Bastian and Andrews. Time 1:55. Umpire—Lynch.

American Association. ST. LOUIS 7; LOUISVILLE, 2.

Sr. Louis, Sept. 12.-Latham's return to the Browns after an enforced absence of ten days, due to O'Brien's Brooklyn spikes, put new life in the work of the team today, and they backed up Chamberlain splendidly. Louisville fell victim to his superior work, but two clean hits being made off his puzzling delivery. Ramsay was not hit hard, but the Browns' hits were bunched, and six of their runs earned. He was very effective at times, and showed that he had lost Robinson, Raymond and Tomney, the running backward catches of McCarthy, the latter's base-running, and White's bitting were the best

Latham, 3. 0 0 2 2 1 Mack, 2.. 1 0 2 Robins'n, 2 1 0 1 4 0 Collins, m. 1 1 0 O'Neil, l. . . 1 2 3 0 0 Wolf, r. . . . 0 0 1 Comisk'y,11 2 10 0 0 Hecker, 1. 0 1 10 0 M'C'rty, r.. 2 1 2 0 0 Stratton, l. 0 0 1 Herr, m... 0 1 1 0 0 Raym'd, 3. 0 0 3 White, s.. 1 1 2 3 0 Tomney, s. 0 0 1 4 0 Milligan, c. 0 0 6 0 0 Cook, c... 0 0 8 2 1 Ch'b'lain, p 1 1 0 4 0 Ramsey, p. 0 1 1 5 0 Totals... 7 8 27 13 1 Totals.. 2 3 27 16 2 Score by innings:

Earned runs-St. Louis, 6; Louisville, 2. Two-base Carthy (4), Wolf, Hecker. Home run—White. Double plays—Robinson and Comiskey; Wolf and Hecker. First base on balls—Robinson, McCarthy, Mack, Hecker. Hit by pitched ball-Hecker. Struck out-O'Neil, Comiskey, Herr, Milligan, Wolf, Stratton, Raymond, Cook.

TWO GAMES AT PHILADELPHIA. PHILADELPHIA, Sept. 12 .- The Athletic and Baltimore clubs played two games here to-day. The visitors lost the first game by poor fielding, and the Athletics dropped the second through their inability to hit Walker. Score of the first

Earned runs—Baltimore, 2. Two-base hit—Tucker. Home run—Purcell. Stolen bases—Welch, Stovey (2), Gleason, Seward, Greenwood. Double plays— Shindle, Tucker, O'Brien; Farrell, Greenwood, Tucker. First base on balls-Welch, Stovey, Seward, Poorman, Greenwood. First base on errors-Athletic, S; Baltimore, 2. Struck out-Seward, Farrell, Sommer, O'Brien (3), Shindle, Cunningham (2), Score of second game:

ATHLETICS. BALTIMORE. Welch, m. 0 2 1 0 0 Purcell, r. 0 1 0 0 1 Griffin, m.. 1 1 Farrell, s.. 1 Stovey, 1.. 0 0 1 Lyons, 3... 0 0 3 Larkin, 1.. 0 011 0 S'mm'rs, 1. 0 0 2 0 O'Brien, c. 1 1 12 1 0 Grenw'd, 20 0 1 2 B'rbau'r, 20 0 4 Towns'd, c 0 0 3 0 0 Tucker, 1. 1 3 8 0 Weyh'g, p. 0 0 0 3 0 Shindle, 3.0 1 1 2 0 M'tt'm'r', p 0 0 1 2 1 Walker, p. 1 1 0 10 1 Poorman r 0 0 0 0 Totals. 5 10 27 18 2 Totals... 0 3 24 14 3

Score by innings: Athletics......0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 Baltimore.....0 0 0 3 0 0 2 0 \*-5 Earned runs-Baltimore, 3. Two-base hits-Griffin, Tucker, Shindle. Three-base hit-Tucker. Stolen bases-Weich (3), Gleason, Purcell. Double plays-Gleason, Larkin and Lyons; Gleason, Bierbauer and Larkin. First base on balls-Larkin, Mattimore, First base on errors-Athletics, 1; Baltimore, 1. Struck out-Welch, Stovey (2), Lyons, Larkin, Bierbauer, Gleason (2.)

CINCINNATI, 5; KANSAS CITY, 2 CINCINNATI, O., Sept. 12.-The Cincinnatis won to-day's game by heavy batting in the closing innings, as they earned all of their five runs. Smith was a little erratio in his pitching at the start, but as the game progressed he settled down and accomplished some very effective work. The chief feature of the game was the third-base playing of Doris. Attendance, 1.200.

KANSAS CITY. Nicol, r... 0 0 3 0 0 M'T'm'y, m 1 0 5 5 McPhee, 2.1 1 1 4 1 Barkley, 2.0 0 3 5 Reilly, 1.0 2 9 0 1 Phillips, 1.0 0 10 1 0 0 Donahue, c 0 0 5 Carp'ter, 3 1 1 0 0 1 Hamilt'n, r 0 1 0 0 Fennelly, s 1 1 0 2 0 Cline, 1..., 1 0 2 0 Tebeau, 1.. 1 2 4 0 0 Esterday, s 0 1 0 0 Keenan c.. 0 3 9 2 0 Davis, 3... 0 Smith, p.. 0 1 012 0 Hoffman, p 0 0 0 4 0 Totals., 5 11 27 20 3 Totals., 2 3 27 17 0

Score by innings: Earned runs-Cincinnati, 5. Three-base hits-Keenan, Tebeau. Home run-Mc Phee. Stolen bases-Corkill, Cline. First base on balls—Nicol, Fennelly, McTammany, Donahue. Hit by pitched ball— Hamilton, Davis. First base on errors—Kansas City, 2. Struck out—Nicol, McPhee, Fennelly, Donahue, Hamilton (2), Cline, Davis, Hoffman (2).

BROOKLYN, 8; CLEVELAND, 3. CLEVELAND, Sept. 12 .- The Brooklyns won. to-day, for the third time, because they hit the ball, and hit it hard. Score:

CLEVELAND. R B PO A E Str'k'r, 2... 0 0 5 4 0 Pinckn'y, 21 2 0 McKean, s. 1 2 0 3 1 Burns, s... 2 Gilks, 1... 1 3 2 0 9 Foutz, r... 0 1 1 0 Faatz, 1 ... 0 1 9 0 0 0 Brien, 1. 1 3 4 0 H'tling, m 0 1 1 0 1 Orr, 1.... 1 2 12 0 Geodf w, r 0 0 3 0 1 Radford, m 2 2 1 1 Albert, 3.. 1 0 1 0 0 Clark, c.... 0 0 6 2 Snyder, c.. 0 1 3 1 0 Burdock, 21 1 3 1 0 Keis, p.... 0 0 0 5 0 Hughes, p. 0 0 0 4 0 Score by innings:

Totals.. 3 8 24 13 3 Totals .. 8 15 27 15 2 Brooklyn......2 2 1 0 2 1 0 0 \*\_8 Cleveland......1 0 0 0 0 0 0 1 1\_3 Farned runs-Brooklyn, 6; Cleveland, 3. Threebase hit—Pinckney. Stolen bases—McKean, Albert, Burns (3), Radford. Double plays—Stricker and Faatz; Faatz and Stricker; Burns, Burdock and Orr. First base on balls-Albert, Orr, Clark. Hit by pitched ball-Clark. First base on errors-Brooklyn, 3; Cleveland, 1. Struck out-Hotaling, Stricker, Goodfellow, Keis, Clark, Burdock.

Two Games at Wabash. special to the Indianapolis Journal. WARASH, Sept. 12 .- The morning game re-

sulted: Base bits-Wabash, 5; Indianapolis, 4. Struck out -By Cates, 9; by Copeland, 4. Batteries-Wabash, Cates and O'Brien. Indianapolis, Copeland and

Afternoon game: Base hits—Wabash, 1; Indianapolis, 4. Struck out—By Cates, 4; by Copeland, 7. Batteries—Wabash, Cates and Ivory; Indianapolis, Copeland and Dore-

Base-Ball Notes. Dalrymple has been laid off by the Pittsburg club, and demands his release. The continued good work of the home team has resulted in a decided improvement in the at-

tendance.

The Boston's poor success has had a marked effect on Manager Morrill, who is glum and out Glasscock was in a lively humor yesterday, and created no little entertainment for the

crowd by his coaching. "Down in Indianapolis they are just waking up to the fact that Bassett is a great second baseman," says the Chicago Times.

Tate threw a very swift ball to Nash, at third, yesterday, and lamed him slightly. If the big catcher does much throwing like that he is likely to lay up players quite frequently. A dispatch from Pittsburg declares that Dun-lap has sustained an injury which will result in

his retirement from the diamond. He broke a ligament of his leg during the progress of a Bassett is one of the most accurate throwers

in the League, and his wild throw home, yesterday, was a rare occurrence. In the sixth inning he made quite a wide throw to first, but Schoeneck's great reach saved him an error.

That was rather a costly episode to the New Yorks, yesterday, at Chicago. They can hardly get out of paying the fine of \$500, which is prescribed for every club which throws up a game and leave the grounds, no difference what the

The Bostons will make their last appearance

Radbourne is along with the team and may be put in. Burdick will probably pitch for the home club. Play will be called at 3:30 o'clock.

Hornung inculged in one of his patent jokes in the eighth inning, yesterday, when he pre-tended to have muffed Schoeneck's fly after having caught it. Hines imitated him in the ninth inning, after he had caught Nash's long fly up against the center-field fence. He pretended to drop the ball and to look for it in the grass. It was a great catch-one of the best plays in the

Rush County Fair.

Special to the Indianapolis Journa. RUSHVILLE, Sept. 12.—The annual fair of the Rush County Agricultural Society opened yesterday. The attendance was four times that of any previous first day. The number of entries exceed 1,000. The races were by the three-year-old pacers and 2:40 trotters, and were hotly contested. The three-year-old pacing race was for a purse of \$70. Summary:

Moscow, by Unknown. 2
Della Wilks, two-year-old, by Legal Ten'r 3
Time—2:37's, 2:37's, 2:35, 2:32'4. Two-forty trot; Parse, \$150:

 Eros, by Hawpatch.
 2
 1

 Katie Woods, by John E. Wood.
 1
 2

 Frank H., by Morgan.
 3
 3

 Yum Yum, by Swiggart dis
Belle Harrison, by Hen Harrison dis
Time-2:334, 2:29, 2:324, 2:3049.

The fair was well attended to-day. The educational department was the special feature, and nearly fifteen hundred school children from the various parts of the county were in line. The number of entries have reached 2,000, and are not yet all in. The races to-day were the three-minute trotters and green pacers. Both were close contests, and each race required five heats to decide. Summary of the three-minute trot; purse,

Billy Worth'ton.. 1 2 2 1 1 Blaine Mac ..... 4 3 5 3 Frank H ...... 2 1 1 4 3 Yum Yum ..... 5 5 4 5 Joe Hamilton .... 3 4 3 2 4 Time-2:371, 2:351, 2:361, 2:37, 2:38. Green pacers; purse, \$100:

Time-2:2912, 2:32, 2:35, 2:2712, 2:27.

Trotting at Hampden Park. SPRINGFIELD, Mass., Sept. 12.-Five thousand people attended the second day's racing of the circuit meeting in Hampden Park. The track was a trifle heavy early in the afternoon; but later was as fast as yesterday. The fourth heat of the unfinished 2:24 trotting race of year. terday was first called. The purse was \$1,500, divided. Summary:

Company... 2 6 2 1 1 1 Jeremiah .. 3 3 4 2 3 vo Darkness... 1 0 3 6 2 3 Watt ...... 6 4 5 5 4 ro Captain .... 5 0 1 3 5 2 L'dy Bar'f't 4 5 6 4 6 ro Time, 2:23, 2:223, 2:25, 2:22, 2:21, 2:23.

Guaranteed stakes, \$5,000, for 2:22 class, trot-Geneva S..... 4 3 2 5 1 1 Whitest'k'ngs 2 5 4 9 6 ro Kit Cutry.... 1 1 6 4 3 2 Er't M'lt'v'rs 8 7 5 3 7 ro.: J. B. Rich'ds'n 7 4 1 2 2 3 Black Jack... 5 8 8 8 8 ro.: T. T. S...... 3 2 9 1 4 4 Starletta.... 9 6 7 6 9 ro

Thornless .... 69375 ro Time, 2:184, 2:184, 2:194, 2:204, 2:20, 2:22. The free-for-all pacing went over till to-morrow, Jewett taking the first two heats and Goses sip, jr., the other two. Summary:

Time, 2:174, 2:16, 2:1619, 2:1719.

Racing at Chicago. CHICAGO, Sept. 12.-Typical racing weather inaugurated the fourth day's sport at the Washington Park fall meeting. The attendance was not large, but the betting was lively.

First Race-Purse, \$400; for turee-year-olds, one mile. Von Tomp won easily by two lengths; Aloha second. Time, 1:43. Second Race-Purse, \$400; for all ages: threequarters of a mile. Lithert and Dick Delaney were the only starters. Litbert won easily by

three lengths. Time, 1:19. Third Race-The Kensington bandicap; a sweepstake, for two-year olds; three-quarters of a mile. Laura Stone won by a length; Hindoo Craft second, Havillah third. Time, 1:164. Fourth Race-Selling; purse, \$400; for all ages; one mile and a sixteenth. Bonnie King won by a length; Doubt second, Quotation third.

Fifth Race-Free bandicap sweepstake, for all ages; one mile. Pink Cottage won; Dyer second, Fanchet third. Time, 1:417. Sixth Race-Purse, \$300; for two-year-olds; half a mile. Zoolite won; Sallie Hagan second. Carrient third. Time, 49 seconds.

Racing at Cleveland. CLEVELAND, O., Sept. 12 -The track was wet to-day, and racing did not begin until after 3 o'clock. To-morrow, Patron and Prince Wilkes

will go for \$2,500. First Race-C. D. P. red-letter stake, for four-year-olds; value, \$425. Summary: Lady Bullion ...... 1 1 | Sally Cossack ....... 2 2 2

Second Race-Excelsior stakes, for four-yearolds; O. A. T. H. B.; value, \$510. Summary: Heckothrift...... 1 2 2 1 1 Clingstone ......dr. Keokee...... 2 1 1 2 2 Belle Ivy......dr. Dandy ...... 3 3 dis. Time-2:314, 2:324, 2:324, 2:304, 2:31.

Third Race-2:36 trotting class; purse, \$700 (unfinished). Summary: 

POINTS ON INSURANCE.

John A. Finch Furnishes Underwriters with Important Practical Information.

CHICAGO, Sept. 12.—At a meeting of insurance underwriters held in this city to-day, the Hon, John A. Finch, of Indiana, delivered an address on "Insurance Companies in Court," which was full of interest and value. Mr. Finch opened with copious quotations from a quaint. one-hundred-year-old book, written and published in Dublin by "John Weskett, Dublin." Mr. Weskett soundly berates the lawvers and courts for their treatment of insurance companies, and suggests a court of arbitration, to be composed of practical business men, to whom all questions of insurance should be submitted. Mr. Finch then made a general review of the attitude of courts and insurance law, and passed to a consideration of the causes of unfriendly courts and juries, and closed by a consideration of the remedy for the evils complained of. This part of the paper is of the utmost practical value to all insurance men. Mr. Finch said:

"A remedy more practicable and with earlier results lies with two persons who are much complained of and are much criticised. They have more to answer for than all other men or causes combined. I refer to the policy writer and to the adjuster. They should discharge their several duties so well that litigation would wellnigh cease. But they do not. Take the faults of the policy-writer. If you will go through the reports you will find that he has been a singularly infelicitous person. It is generally clear what he intended to say, but it has frequently—entirely too frequently—happened that he did not say what he intended to say. The courts must then construe his words. The courts have never failed to remember the rule that the language of the person writing a contract is to be construed most strongly against him. They undeviatingly construe the policy-writer's work in the light of that rule. The policy-writer should know, among other things, that "contained in" does not mean while contained in, and that the policy will follow a dolman, or a buggy, or a horse wherever it may lawfully be found. He should know that when he uses such a word as "contiguous" he has simply used an expression for a jury to make clear. If the writer of the application before the Supreme Court of the United States, referred to earlier, bad, after asking if smoking was allowed on the premises, thought to ask a question binding the assured not to allow smoking on the premises in the future, an adverse verdict might have been saved. He should know how to write against the dangers of liens of every kind, and should know that a tax lien is not an incumbrance, and that a contract for sale is not a sale. Indeed, he should know so much and write it all so plainly down that we can read his policy and quote Hamlet on him, "How absolute the knave is." I give him a further hint: He would vastly improve on his work, as some of the courts look at it, if he would-as I believe he can-conceive an arbitration clause that would be binding, and on request become a condition precedent. Then the policy writer should seek a light as from on high to guide him to a phrase of policy that would leave his work to stand as a perfect Medo-Persic effort, a document that no agent or adjuster could waive, alter or amend. The policy writer here needs his supremest intelligence. It may readily be perceived that the policy-writer has something to do in this life, and his best friends must admit, in view of what the courts have said, that he has not heretofore done his work with entire satisfaction.

"I will add to his duties that after he has

written the policy and application, he cultivate the printer's acquaintance, and see (1) that the policy and application are printed in full, legible type, and (2) that in all cases where it is expected, the application will be relied on as containing anything avoiding the policy in any event, the policy, when delivered to the insured, shall have attached to it a copy of the application, as filled out. Such a provision would prevent the constantly recurring allegation that the truth was stated to the agent who prepared the application, and that therefore, if the application is not full, and complete, and true, the fault is wholly that of the agent. The Supreme Court of the United States, in Insurance Company vs. Fletcher (117 U. S., 519) has some very refreshing views on this sort of allegation. There are hints of value to the policywriter in that case.

"I have, perhaps, laid heavy enough burdens on the policy-writer. If he will meet all the requirements named, he will present a policy so plain that there is nothing left for a court to construe or a jury to apply. He will thus largely remove the danger of litigation between companies and patrons, and only when there is no litigation will the company be safe upon purely matters of law from decisions that may fairly be challenged as hasty or unwarranted.

"The policy-writer presents principally ques-tions of law for the courts. The adjuster pre-sents principally questions of fact for the jury. We are considering the remedy for the unsatisfactory results in court which insurance companies complain of, and I have stated that these results are largely reflected from an unfriendly public impression. The remedy for this impression is not in human power. Something may be done to affect it, but it will remain like sin, and death, and taxes, to the end of time. "The adjuster has most to do of all men in affecting public opinion. It is not possible for him always to leave the policy-bolder happy after a loss. The adjuster has a task requiring remarkable poise, and indeed a full list of remarkable faculties. How he shall exercise these so as to best impress the public, and at the same time best serve his company, and not embarrass a great business, is a question worthy of his deepest concern. I will not generalize on what is itself a generalization. The adjuster is the most potent factor in creating public opinion, and he must bear himself accordingly. "The adjuster, as related to litigation, is more

within my line of reference to him. Next to the

policy-writer stands the adjuster as a factor in

litigation. For convenience I will, in defiance

of practice in many companies, regard the adjuster as the only representative of the company acting after a loss. I will add to his ordinary duties and powers the duties and powers of president, secretary, manager and board of directors. The chief peculiarity of the adjuster is his wonderful capacity for waiving policy conditions. If he will but walk about the ruins and decline to aid the policy-holder according to the provisions of the policy he may find himself to have waived all necessity for proofs. If he asks the insured to make out his proofs, and the insured does this, the adjuster will be in imminent danger of being estopped from the right to defend on any other ground than failure to make proof. Waiver and estoppel become a sort of double-headed night-mare to the adjuster. If the adjuster gets defective proofs and sends them back for correction he waives pretty much everything "in sight," so to speak. If he keeps them without objection he waives the right thereafter to object, and may not be able even to say they were not made in time. The adjuster, in determining a question of liability, especially when he is aided by the deliberations of a court and jury, is often filled with astonishment at the amount of information the local agent has which is of ters affecting the risk, all known and in mind or could have been in a truly large mind when the policy was written. Of course, the conditions of the policy melt away in the presence of such information. It is a marked period in the life of an infant when it begins to 'take notice.' If 'the child is father to the man,' this fact of early taking notice is proof of a coming local agent. If he passes a building in which alterations are in progress contrary to the terms of the policy he takes 'notice' of the change, and the adjuster may not complain. If a building becomes vacant the agent will be found to have consenting 'notice' to the vacancy. Nothing escapes his 'notice.' and he may, indeed, be said to have 'knowledge' of things and 'notice' of other things that were never dreamed of in his philosophy. If the local agent could carry his remarkable faculties with him he would be a most valuable acquisition to the reportorial fraternity of the public press. If the adjuster

has not waived the company out of court, or estopped it to proceed with the desired defense, he will be lucky if he escapes from the 'knowl-edge' and 'notice' of the local agent. "A sorely-beset adjuster who had passed in violent movement from the battledore of waiver to the shuttlecock of estoppel came to my office directed him. Disdaining any such mild figure as I have just used, he said grievously: 'Mr. Finch, I live between Scylly and Charybdis, otherwise known as waiver and estoppel-how am I to escape each and yet attend to my busi-ness for my company? 'That is easy enough,' I replied. 'All you have to do is to act wisely.' He went away sorrowing, like the man who had great riches and was bidden to give it all away. In sober truth, the law of waiver and estoppel has been so extensively applied to acts of company representatives that an attorney defeated by every condition of the policy can yet succeed in getting a verdict if he can but find that anything has been done in and about the loss that is not as definite as a formula. The adjuster is to the company like a wife as a possession-'a

solace or an exasperation.' "The remedy for litigation, I will not say for bad litigation, for there is none that is not bad for the companies in one way or another, and some is much wore than other, is almost wholly with the policy-writer and adjuster.

"But we are improving upon the times of Weskett, and upon our own time. Out of the chaos of decisions is coming a sort of coherence and certainty. The counsel of a company can advise with increasing confidence. The law as to construction of policies, and as to the action of the parties, after a loss, is coming out of the shadows of doubt. We may still 'see through a glass darkly, but it is a glass through which we try to see, and not a mud fence. It is less dark year by year. There remains, in sober truth it must be admitted, there remains much to complain of in the rulings of the courts, but the status is not so bad as it would seem. The adverse decisions proceed in the main from a desire for fair play. The cases as reported, many of them not at all presenting the defenses the companies desired to stand on, are generally decided in what the Not often does a clear prejudice appear. It is a great advance when we know what courts will rule. It is light to the companies when they may find in the reports continuing principles. The approach to certainty has been a slow and painful process. The teacher of the courts has been in expensive lessons which need not to be repeated line upon line. We have had quite anough of repetition.

"In summary conclusion, allow me to say a few words as to what should be done. The polley should have reference to the class of the risk. A dwelling-house should not be insured on a blank equally applicable to a mill or a ware-house. It should be in full, clear type, and should be expressed in terms incapable of misunderstanding. After a loss, and as thorough investigation has been made as possible, there should be prompt election whether there is lia-bility or not. If liability is admitted, and the amount is in dispute, arbitration should be resorted to, and this the policy should and can provide for as a condition precedent. If it is determined to deny liability, there is little excuse in good sense, and none at all in the court for demanding arbitration, or for requiring re-peated or additional proofs, or oral examination, or for putting the policy holder to any exters are well understood, and a rule of action is taken from them by company officials, we can look for fewer insurance suits, and we will have made an approach to the happy time when it is possible to live ic peace with al! men-even with insurance men."

County-Seat War Ended. TOPEKA, Kan., Sept. 12 .- The bitter county-

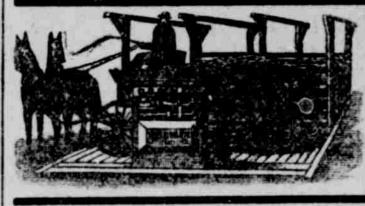
seat war which has been pending in Wichita county for the past two years, and been one of the worst in the history of Kansas, has been amicably settled. When Wichita was organized the contest for the county seat was between Lecti and Coronado, situated only about two miles apart, and having about an equal population. It was a bitter contest, but Leoti was apparently the winner. Then came a massacre at Coronado, in which six Leoti men were killed. This caused such bitter feeling against Coronado that her chances were ruined for its ever being made the county-seat. This resulted in the building up of another competitor for the county-seat, called Farmer City. It was only about a mile from Coronado, and, though the three towns were within a radius of three miles, they managed to keep alive. A few weeks ago the county records were removed from Leoti to Farmer City, but the sheriff and a posse compelled their return to Leoti. This week the towns of Coronado and Farmer City will con-solidate with Leoti. There are over 100 buildings to each town, and they will all be removed to Leoti by the end of this week. There will soon be nothing to show that there ever were such villages as Coronado and Farmer City.

The Fancier's Gazette says: A steel watch key ground sharp at the edges makes a good punch for making holes in the webs of chickens' feet so as to distinguish them. Be sure that the holes do not grow up by cutting it the sec-

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erance to our early patrons. The inducement that is being held out by others that they will next year or some other time supply you at half price is MISLEADING and a SUBTERFUGE.

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[OFFICIAL]

COPY OF STATEMENT OF THE CONDITION

## LIBERTY INSURANCE CO

On the 30th Day of June, 1888. Located at No. 120 Broadway, New York, N. Y.

The amount of its capital is ...... \$1,000,000.00 The amount of its capital paid up is..... THE ASSETS OF THE COMPANY ARE AS FOLLOWS: \$230,109.38 United States registered bonds, 4 per cent., par value, \$750,000 ..... 945,000,00 Debts for premiums..... 13,183.73 LIABILITIES. Losses unadjusted..... All other claims against the company..... Amount necessary to reinsure outstanding risks..... 140,296,83 \$170,111.84 Total liabilities.....

State of Indiana, Office of Auditor of State. I, the undersigned, Auditor of State of the State of Indiana, hereby certify that the above is a correct copy of the statement of the condition of the above-mentioned company on the 30th day of June, 1888, as shown by the original statement, and that the said original statement is now on file in this office.

[SEAL.] In testimony whereof I hereunto subscribe my name and affix my official seal, this 15th day of August, 1888.

BRUCE CARR, Auditor of State.

[OFFICIAL.]

COPY OF STATEMENT OF THE CONDITION

# Fire Insurance Company of Hartford

On the 30th Day of June, 1888. Located at No. 118 Asylum Street, Hartford, Connecticut.

The amount of its capital is...... \$1,000,000.00 The amount of its capital paid up is..... THE ASSETS OF THE COMPANY ARE AS FOLLOWS: Cash on hand and in the hands of agents and in bank.... 24,478.40 117,500.00 121 550.00 Real estate unincumbered..... United States 4 and 442 per cent. bonds, market value..... Hartford and other city and town bonds, 419 to 7 per cent..... Railroad bonds, 5 to 7 per cent..... Loan on bond and mortgage of real estate, worth double the amount loaned, and free from 296,300.00 Loans secured by pledge of stocks and bonds..... 613,100.00 5.700.00 18.992.29 All other securities—5,406 shares bank and railroad stocks, etc..... Total assets ...... \$2,006,857.34

Losses unadjusted and not due..... Losses anadjusted, in suspense, waiting for further proof...... 374,858.38 \$455,145.16 The greatest amount in any one risk, \$15,000.

State of Indiana, Office of Auditor of State.

I, the undersigned, Auditor of State of the State of Indiana, hereby certify that the above is a correct copy of the statement of the condition of the above-mentioned company on the 30th day of June, 1888, as shown by the original statement, and that the said original statement is now on file in this office. In testimony whereof I hereunto subscribe my name and affix my official seal, this 1st day of August, 1888.

BRUCE CARR, Auditor of State.